

lows: “This section does not authorize additional appropriations for any fiscal year. Any expense of the National Guard that is incurred by reason of this section shall be paid from appropriations otherwise available for the National Guard.”

### § 115. Funeral honors duty performed as a Federal function

(a) ORDER TO DUTY.—A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran under section 1491 of title 10. However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned. Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.

(b) SERVICE CREDIT.—A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive—

(1) service credit under section 12732(a)(2)(E) of title 10; and

(2) as directed by the Secretary concerned, either—

(A) the allowance under section 435 of title 37; or

(B) compensation under section 206 of title 37.

(c) REIMBURSABLE EXPENSES.—A member who performs funeral honors duty under this section may be reimbursed for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37 if such duty is performed at a location 50 miles or more from the member's residence.

(d) REGULATIONS.—The exercise of authority under subsection (a) is subject to regulations prescribed by the Secretary of Defense.

(Added Pub. L. 106-65, div. A, title V, § 578(g)(2), Oct. 5, 1999, 113 Stat. 627; amended Pub. L. 106-398, § 1 [[div. A], title V, § 575(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-138; Pub. L. 107-107, div. A, title V, § 562(b), Dec. 28, 2001, 115 Stat. 1119.)

#### AMENDMENTS

2001—Subsec. (a). Pub. L. 107-107 inserted at end “Performance of funeral honors duty by such a member not on active duty or full-time National Guard duty shall be treated as inactive-duty training (including with respect to travel to and from such duty) for purposes of any provision of law other than sections 206 and 435 of title 37.”

2000—Subsec. (b)(2). Pub. L. 106-398 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “if authorized by the Secretary concerned, the allowance under section 435 of title 37.”

#### EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 applicable to funeral honors duty performed on or after Oct. 30, 2000, see sec-

tion 562(c) of Pub. L. 107-107, set out as a note under section 12503 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 applicable with respect to funeral honors duty performed on or after Oct. 1, 2000, see section 1 [[div. A], title V, § 575(c)] of Pub. L. 106-398, set out as a note under section 12503 of Title 10, Armed Forces.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 114 of this title; title 5 section 6323; title 10 sections 1074a, 1076, 1204, 1206, 1481, 12503, 12732; title 28 section 2671; title 37 sections 204, 435; title 38 sections 4303, 4316.

### CHAPTER 3—PERSONNEL

Sec.	
301.	Federal recognition of enlisted members.
302.	Enlistments, reenlistments, and extensions.
303.	Active and inactive enlistments and transfers.
304.	Enlistment oath.
305.	Federal recognition of commissioned officers: persons eligible.
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314.	Adjutants general.
315.	Detail of regular members of Army and Air Force to duty with National Guard.
316.	Detail of members of Army National Guard for rifle instruction of civilians.
317.	Command during joint exercises with Federal troops.
[318 to 321.	Repealed.]
322.	Discharge of enlisted members.
323.	Withdrawal of Federal recognition.
324.	Discharge of officers; termination of appointment.
325.	Relief from National Guard duty when ordered to active duty.
326.	Courts-martial of National Guard not in Federal service: composition, jurisdiction, and procedures.
327.	Courts-martial of National Guard not in Federal service: convening authority.
[328 to 335.	Repealed.]

#### AMENDMENTS

2002—Pub. L. 107-314, div. A, title V, § 512(d), Dec. 2, 2002, 116 Stat. 2537, added item 327 and struck out former items 327 “General courts-martial of National Guard not in Federal service”, 328 “Special courts-martial of National Guard not in Federal service”, 329 “Summary courts-martial of National Guard not in Federal service”, 330 “Confinement instead of fine”, 331 “Dismissal or dishonorable discharge”, 332 “Compelling attendance of accused and witnesses”, and 333 “Execution of process and sentence”.

1994—Pub. L. 103-337, div. A, title XVI, § 1676(a)(4), Oct. 5, 1994, 108 Stat. 3019, substituted “National Guard officers:” for “officers: Army National Guard;” in items 309 and 310.

1986—Pub. L. 99-661, div. A, title VI, § 604(f)(2)(B), Nov. 14, 1986, 100 Stat. 3878, struck out item 318 “Compensation for disablement during training”, item 319 “Compensation for disablement during training when not covered by section 318 of this title”, item 320 “Hospitalization: when Secretary may require”, and item 321 “Death gratuity”.